

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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U.S. SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

22 **CIVIL** 7081 (JSR)

-against-

JUDGMENT

LEE SIMMONS,

Defendants

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated May 15, 2023, Plaintiffs Motion under Federal Rules of Civil Procedure 36 and 37 regarding the Plaintiffs Requests for Admission is hereby GRANTED and Plaintiffs Requests for Admission are deemed admitted; and Plaintiffs Motion under Federal Rule of Civil Procedure 56 is GRANTED and Summary Judgment is ORDERED in favor of the Plaintiff. IT IS FURTHER ORDERED THAT: IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant Simmons is permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection with the purchase or sale of any security: as further set forth herein. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant Simmons is permanently restrained and enjoined from violating, directly or indirectly, Section 207 of the Investment Advisers Act of 1940 [15 U.S.C. § 80b-7], by making any untrue statement of a material fact in any registration application or report filed with the Securities and shall be accompanied by a letter identifying the case title, civil action number, and name of this Court; Defendant Lee Simmons as a defendant in this action; and specifying that payment is made pursuant to this Final Judgment. Defendant shall simultaneously transmit photocopies of evidence of payment and case identifying information to the Commission's counsel in this action. By making this payment, Defendant relinquishes all legal and equitable right, title, and interest in

such funds and no part of the funds shall be returned to Defendant. The Commission shall send the funds paid pursuant to this Final Judgment to the United States Treasury. The Commission may enforce the Court's judgment for disgorgement and prejudgment interest by using all collection procedures authorized by law, including, but not limited to, moving for civil contempt at any time after 30 days following entry of this Final Judgment. The Commission may enforce the Court's judgment for penalties by the use of all collection procedures authorized by law, including the Federal Debt Collection Procedures Act, 28 U.S.C. § 3001 et seq., and moving for civil contempt for the violation of any Court orders issued in this action. Defendant shall pay post judgment interest on any amounts due after 30 days of the entry of this Final Judgment pursuant to 28 U.S.C. § 1961. It Is Further Ordered, Adjudged, And Decreed that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

Dated: New York, New York
May 16, 2023

RUBY J. KRAJICK

Clerk of Court

BY:



Deputy Clerk